

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JANE DOE K.B.,**  
One Liberty Place  
1650 Market Street, 52<sup>nd</sup> Floor  
Philadelphia, Pennsylvania 19103

Plaintiff,

v.

**SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY,**  
1234 Market Street  
Philadelphia, PA

19107 And

**LESLIE RICHARDS,**  
1234 Market Street  
Philadelphia, PA

19107 And

**KENNETH DIVERS,**  
1234 Market Street  
Philadelphia, PA

19107 And

**THOMAS J. NESTEL III,**  
1234 Market Street  
Philadelphia, PA

19107 And

**THOMAS SCHRILLO,**  
1234 Market Street  
Philadelphia, PA

CIVIL ACTION NO.:

**BRIAN BUCK,**  
1234 Market Street  
Philadelphia, PA 19107

And

**PATRICK BARR,**  
1234 Market Street  
Philadelphia, PA 19107

And

**JOHN DOE BARONE,**  
1234 Market Street  
Philadelphia, PA 19107

And

**JOHN DOE SEPT**  
1234 Market Street  
Philadelphia, PA 19107

And

**ALLIED UNIVERSAL SECURITY  
SERVICES,**  
161 Washington Street, Suite 600  
Conshohocken, PA 19428

And

**FISTON NGOY,**  
3403 Concord Road,  
York, PA 17402

And

**JOHN DOE SECURITY SERVICES**

And

**JOHN DOE DEFENDANTS 1-10**

**Defendants.**

**NOTICE OF REMOVAL**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN  
DISTRICT OF PENNSYLVANIA:

In accordance with 28 U.S.C. § 1441 and § 1446, Defendant Southeastern Pennsylvania Transportation Authority (“SEPTA”) hereby files this Notice of Removal to remove this action, which was filed in the Court of Common Pleas of Philadelphia County, to this Court. In support of this Notice of Removal, Defendant avers as follows:

1. On September 29, 2023, Plaintiff, Jane Doe K.B., commenced this action by filing a Complaint in the Court of Common Pleas of Philadelphia County. A copy of Plaintiff’s Complaint is attached as Exhibit “A”.

2. SEPTA received the Complaint on October 2, 2023. An affidavit of service evidencing service on SEPTA has not yet been filed with the Court of Common Pleas. A copy of the docket from the Court of Common Pleas is attached hereto as Exhibit “B.”

3. On September 29, 2023, Plaintiff also filed an Entry of Appearance. A copy of the Entry of Appearance is attached hereto as Exhibit “C.”

4. Contemporaneous with the instant filing, on October 6, 2023, SEPTA filed an Entry of Appearance. A copy of the Entry of Appearance is attached hereto as Exhibit “D.”

5. None of the other defendants’ consent to removal is required in this case because they have not yet been served with the Complaint. *See* Exhibit B.

6. In accordance with the applicable statute, Exhibits “A” through “D” contain all the process, pleadings, and orders served upon the Defendants in this action.

7. This action is properly subject to removal under 28 U.S.C. § 1441(c) because this lawsuit alleges a violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution, and therefore this lawsuit involves an action “arising under the Constitution, laws, or treaties of the United States” and this Court would have original jurisdiction of those claims under 28 U.S.C. § 1331.

8. This action is also properly subject to removal under 28 U.S.C. § 1441(c) because this lawsuit alleges a violation of 42 U.S.C. § 1983, and therefore this lawsuit involves an action “arising under the Constitution, laws, or treaties of the United States” and this Court would have original jurisdiction of those claims under 28 U.S.C. § 1331.

9. This Notice of Removal is being filed within thirty (30) days after Plaintiff served a copy of the Complaint, which forms the basis for removal, and is therefore timely under 28 U.S.C. § 1446(b)(3).

10. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Pennsylvania is the proper venue for removal because the Court of Common Pleas of Philadelphia, the place where this action is pending, is located within the Eastern District of Pennsylvania.

11. By filing this Notice, SEPTA does not waive its rights to object to service, service of process, the sufficiency of process, venue, or jurisdiction, and specifically reserves the right to assert any defenses and/or objections to which it may be entitled.

12. A notice to the state court of the instant Notice of Removal is being filed contemporaneously with this Notice in the Court of Common Pleas of Philadelphia County, Pennsylvania, in accordance with 28 U.S.C. § 1446(d). A copy of the notice to the state court is attached hereto as Exhibit “E.”

Respectfully submitted,

/s/ Mark E. Gottlieb, Esq.  
Mark E. Gottlieb, Esq.  
Joshua D. Groff, Esq.  
Justine Baakman, Esq.  
Attorneys for SEPTA

Dated: October 6, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Filing of Defendant's Notice of Removal was electronically filed, constituting service on all counsel of record:

Robert J. Mongeluzzi, Esq.  
Andrew R. Duffy, Esq.  
Kristen M. Feden, Esq.  
Marni Berger, Esq.  
1650 Market Street, 52nd Floor  
Philadelphia, PA 19103

By: /s/ Mark E. Gottlieb, Esq.  
Mark E. Gottlieb, Esq.  
*Attorney for SEPTA*

Dated: October 6, 2023